

INSTRUCTIONS FOR MAKING A PAPERWORK REDUCTION ACT CLEARANCE SUBMISSION (OMB 83-I AND SUPPORTING STATEMENT)

The OMB form 83-I is to be used to request OMB Paperwork Reduction Act clearance for information collections affecting the public. **Requests for clearance must contain an original and three copies of all of the following: a completed OMB 83-I signed either by an Assistant Administrator/head of the Program/Staff Office, or by the head of a Line Office Management and Budget staff; a complete supporting statement as described below; copies of any form, questionnaire, interview guide, etc., used in the collection; the regulation if the collection is contained in rulemaking; a copy of the Federal Register notice soliciting public comment on the information collection (not required with submissions involving a Notice of Proposed Rulemaking); and a copy of the law or Executive Order which authorizes the collection itself or the program the collection will support.** Since all clearance requests are placed on NOAA's PRA Home Page, you are also requested to submit the supporting statement and any forms, questionnaires, etc., in electronic form.

The completed package should be submitted to the NOAA Clearance Officer: Richard Roberts, OFA1x1, #8118, SSMC-4 (for those outside the Washington area the address is 1305 East-West Highway, Silver Spring, MD, 20910-3281). NMFS offices should route their requests through the NMFS Clearance Officer.

INSTRUCTIONS FOR THE OMB 83-I:

- 1. Agency/Subagency originating request** - Enter DOC/NOAA, then the name of your line or staff office.
- 2. OMB control number** - If the information collection has previously been approved by OMB, enter the control number that was assigned (whether current or expired). It will always start with "0648" and have 4 additional digits. Check "b" for "None" if the collection has never been assigned such a number.
- 3. Type of information collection** - Check only one block.
 - a. Check "New Collection" when the collection has not previously been used by NOAA.
 - b. Check "Revision" when the collection has previously been approved by OMB and you wish to make a material change in the questions asked, the manner of the collection, the burden estimate, or the way in which the information will be used.
 - c. Check "Extension" when the collection currently has OMB approval, you wish to extend that approval past the current OMB expiration date, and no material change is proposed for the collection.

d. Check "Reinstatement, without change" when you are submitting a collection which previously had OMB approval, the approval expired, and no change has been made in the previously approved collection.

e. Check "Reinstatement, with change" when the collection is like "d" above, but has been changed since the prior approval.

f. Check "Existing collection" if the collection has been in use without ever having received OMB approval. If you check this block, your request should be accompanied by a memo explaining why this violation of the Paperwork Reduction Act took place.

4. Type of review requested - Block "a", "Regular Submission", should always be checked unless instructed otherwise by the NOAA Clearance Officer. If you have a situation that requires OMB approval in less than 60 days in order to avoid some damaging effect upon the public or the environment, call to discuss the situation. Embarrassment from not meeting a deadline because of lack of foresight is not regarded as an emergency for NOAA or DOC.

5. Small Entities - Indicate whether this information collection will have a significant impact upon a substantial number of small entities. A small entity may be (1) a small business which is deemed to be one that is independently owned and operated and that is not dominant in its field of operations; (2) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field; or (3) a small government jurisdiction which is a government of a city, county, town, township, school district, or special district with a population of less than 50,000.

6. Requested expiration date - Check block "a" for 3 year approval unless you know that the collection's life will be less than 3 years. In the latter case, check block "b" and enter a date. DO NOT request an expiration date beyond 3 years, as OMB is prohibited by law from giving such an approval. If the action is a revision to an existing collection, and the Supporting Statement only addresses the revised requirements and not all of the previously approved requirements, enter the existing expiration date for the collection.

7. Title - Provide a title for the information collection. If the submission is a revision to a currently approved collection, or what is called a "family of forms", use the title for the overall collection rather than providing the title of the change to take place. Usually you should not use the title of any associated rulemaking, as it will not specifically identify what the information collection is.

8. Agency form numbers - Enter the numbers of any NOAA or DOC forms to be used in the collection. When multiple forms will be used, separate the numbers with commas.

9. Keywords - Leave blank. These will be filled in by the NOAA Clearance Officer.

10. Abstract - Provide a statement, limited to 5 lines of text, describing the need for the information, how it will be used, and who the respondents will be (e.g. "coral fishermen").

11. Affected public - Mark all the categories that apply. Mark the primary respondent group with a "P".

12. Obligation to respond -

- a. Check "Voluntary" when the response is entirely discretionary and has no direct effect on any benefit or privilege for the respondent.
- b. Check "Required" when response is elective, but is required to obtain or retain a benefit (e.g. a loan).
- c. Check "Mandatory" when the respondent must apply or face civil or criminal sanctions.

13. Annual recordkeeping and reporting burden - Enter the information described below. If the submission is a revision to an existing collection, the numbers below should reflect the new totals for the overall collection, and not just the changes being made. If you do not have accurate data on the totals, contact the NOAA Clearance Officer. If you are requesting approval for 3 years, and the number of respondents or responses will vary significantly during that period, you can provide an annual average over the period rather than the maximum year's figures.

- a. Enter the total number of respondents and recordkeepers. Do not double count: if 15 people file 3 reports per year, you have 15 respondents and not 45.
- b. Enter the total number of responses provided annually. Recordkeeping should be treated as 1 response per year.
 - b1. Provide the percentage of responses that will be submitted/collected using electronic media (other than telephones and facsimile submissions). Do not report the placing of information from a collection into a computer after receipt in NOAA.
- c. Enter the total annual reporting and recordkeeping burden in hours.
- d. Enter the total burden hours currently approved by OMB. Enter "0" for a new collection or a collection for which OMB approval expired.
- e. Enter the result from subtracting line d from line c. Record a negative number with a parenthesis.
- f. If line e shows anything but a "0", the difference between lines c and d must be explained. A "program change" is the result of deliberate government action (e.g. adding more questions to a form). All new collections are program changes. "Adjustments" are changes that were not the result of deliberate government action or not under government control. Mistakes in previous calculations, a higher number of applicants for a permit than estimated, and similar events are adjustments. If appropriate, both program changes and adjustments can be used to explain a burden hour change.

14. Annual reporting and recordkeeping cost burden - The costs identified in this item must exclude costs associated with the burden hours identified in Item 13 of this form - use the costs identified in #13 of the Supporting Statement; this is completely different from the way costs were identified before 10/01/95.

a. Enter the total dollar amount of annualized costs for all respondents of any associated capital or start-up costs (e.g., take the cost of buying and setting up a computer needed to make the reports, then divide by the expected useful life of that equipment).

b. Enter recurring annual dollar amount of costs for all respondents associated with operating or maintaining systems or purchasing services. Include any money the respondent spends to comply with the information request/requirement (e.g. for lawyers or equipment).

c. Enter total of 14a + 14b as annual reporting and recordkeeping cost burden.

d. Enter any cost burden currently approved by OMB for this collection of information. Enter zero (0) if this is the first submission after 10/01/95.

e. Enter the difference by subtracting line d from line c. Record a negative number within parenthesis.

f. Explain the difference. The difference in line e must be accounted for in lines f1 and f2.

f1. "Program change" is the result of deliberate Federal government action. All new collections and any subsequent revisions or changes resulting in cost changes are recorded as program changes.

f2. "Adjustment" is a change that is not the result of a deliberate Federal government action. Changes resulting from new estimations or actions not controllable by the Federal government are recorded as adjustments.

15. Purpose of information collection - Self-explanatory.

16. Frequency of recordkeeping or reporting -

Check "Recordkeeping" if the collection of information explicitly requires persons to maintain records that will not subsequently be submitted to the Federal government.

Check "Third party disclosure" if a collection of information requires a person to obtain or compile information for the purpose of disclosure to members of the public or the public at large, through posting, notification, labeling, or similar requirements.

Check "Reporting" for information collections that involve reporting to the Federal government and check the frequency of reporting that is requested or required of a respondent. If the reporting is triggered by an event, check "On occasion".

17. Statistical methods - Check "Yes" if the collection uses statistical methods such a sampling or imputation. Many research collections and scientific program evaluations are statistical, while applications and audits are not.

18. Agency contact - Provide the name and telephone number of someone able to answer questions regarding the content of the submission.

19. Certification - DO NOT SIGN THIS BLOCK! No entry is needed. You do need to review the certification standards, and if the collection fails to meet one or more of those standards Item 18 of the Supporting Statement must explain the reason for that failure.

Agency Certification - The Department requires that the OMB 83-I be signed by an Assistant Administrator or head of the Management and Budget Staff for Line Office submissions, or by the Director of a Program or Staff Office.

INSTRUCTIONS FOR THE SUPPORTING STATEMENT:

GENERAL INSTRUCTIONS - Each request for OMB approval of an information collection must include a Supporting Statement prepared in the format described below. The quality of the Supporting Statement is a key factor in whether approval is obtained. If an item is not applicable, provide a brief explanation. All Statements must respond to the items in Section A; if Section B does not apply, state that the collection will not employ statistical methods. If Item 17 of the OMB 83-I was checked "Yes", then Section B must be completed.

Attach copies of any forms, regulations, or other instruments used to obtain the information from the public. Collection forms must display the required public notification information described in Attachment 1. The PRA classification section in rulemakings must include the information described in Attachment 2.

SPECIFIC INSTRUCTIONS -

Section A. Justification:

1. Explain why you need to conduct the information collection. Include a description of any statute or executive order that requires the collection. Copies of statutes mandating or authorizing a collection must be included with all a submissions; often the statute will be one authorizing the general program for which the collection is being conducted. Provide some background information on the program and describe how the collection supports it. Detail any specific program problems you hope to resolve.

If NOAA is already collecting information from the same universe of respondents, briefly describe these collections and how they relate to the proposed collection. Every practical effort should be made to consolidate requirements on the same respondents, and the Supporting Statement should reflect that this has been done. If collections have very similar questions, you may wish to describe the relationship in Item 4, rather than in Item 1.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. For all but "New" collection requests, indicate the actual use NOAA has made of the information received. This explanation of the proposed and any past use of the information is a key one and must be detailed. Do not just make general statements about the overall use of the information, but address the specific items of information being collected. You should deal individually with each question or type of question being asked in your survey or on your form unless the purpose of the question is obvious to someone not familiar with your program. One of OMB's key standards under the Paperwork Reduction Act is whether the information has "practical utility"; you must demonstrate that you will be using all of the information collected for a practical and necessary program purpose.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of

information technology, and the basis for the decision for adopting this means of collection. Also describe any consideration you gave to the use of improved information technology to reduce the burden on the public. You must address the following: is the electronic submission of responses allowed; if a form is involved, is it available for public printing off the Internet; and whether the results of the information collection will be made available to the public over the Internet? If the answer to any of those questions is "no", are there plans to do so? Why not?

4. Describe your efforts to identify duplication with other collections which may be gathering the same or similar information. If the same or similar information is available, describe why it cannot be used or modified for the purposes described in "2" above.

5. If the collection will have a significant impact on small entities such as small businesses, organizations, or government bodies (see the instruction above for Item 5 of the OMB 83-I), describe the methods used to minimize the burden on them.

6. Describe the consequences to Federal program or policy activities if the collection would not be conducted or would be conducted less frequently.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the OMB guidelines (see Attachment 3).

8. If applicable, provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Make sure that the date and page number are clear. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Specifically address comments received on the estimated cost and hour burden.

Describe your efforts to consult with persons outside the agency to obtain their views on the availability of data, the frequency of collection, the clarity of instructions, the amount of burden to be imposed, and ways to minimize the burden. Consultation with representatives of those being affected should occur at least once every three years, even if the collection has not changed. If circumstances prevent this consultation, describe them, but please note that OMB is emphasizing the need for such consultations. Do not list consultations done more than 3 years ago.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

10. Describe any assurance of confidentiality provided to respondents and the basis for this assurance in statute, regulation, or agency policy.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, or other matters that are commonly considered private. The justification should include the reasons why the questions are necessary, the specific uses for the information, the explanation to be given to the respondents, and any steps taken to obtain their consent.

12. Provide an estimate in hours of the burden of the collection of information. If this submission is a revision to an approved collection, and describes only the revised requirements, this answer should just reflect the new burden for that requirement and how much this is increased/decreased from the previous burden (if any) for the requirement. The statement must:

- Provide the number of respondents expected annually, the frequency of their response, the total number of responses expected, the average response time per respondent, and the total annual response time (in hours) for the collection. Response time includes not only the time necessary to complete the form or answer the questions, but also the time needed to gather the information (unless it was already being gathered for other purposes), have it reviewed by lawyers or accountants, etc. Explain how you arrived at these estimates.
- Remember that figures should be annualized. For example, if a permit will be valid for three years, and you expect 300 respondents the first year and none the second and third years, use the average of 100 respondents.
- Consultation with a few respondents is desirable, but larger surveys to obtain response data are not necessary. If the burden per response is expected to vary widely, show the expected range of responses and explain the variance.
- If the collection will involve more than one form, provide burden estimates for each form.
- Provide estimates of annualized cost to respondents for the hour burden for the collection, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for the collecting the information should not be included here (see Item 14 below).

13. Provide an estimate of the total annual cost burden to the respondents or recordkeepers resulting from the collection. Do not include the cost of the burden hours described in Items 12 and 14. The response time of the respondent is not to be part of the estimate. The costs identified here will go in Block #14 of the OMB-83I form.

- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operations, maintenance, and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which the costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling, and testing equipment; and record storage facilities.
- If cost estimates are expected to vary widely, present ranges of cost burden and explain the reasons for the variance.

- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to 10/01/95, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business of private practices.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate costs, which should show the quantification of hours, operational expenses (such as equipment, overhead, printing, and staff support), and any other expense which would not have been incurred without this collection of information. You may aggregate cost estimates from Items 12, 13, and 14 in a single table.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

16. For collections whose results will be published, outline the plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide a time schedule for the collection, publication, and other actions. Also, will the results of the collection be made available on your organization's Home Pages? If not, why?

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

Section B. Collections of Information Employing Statistical Methods

You should be prepared to justify a decision not to use statistical methods in any case where such methods might reduce burden or improve the accuracy of results. When Item 17 of the OMB 83-I is checked "Yes", the following documentation should be provided to the extent that it applies to the methods proposed.

1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g. establishments, State and local governmental units, households, or persons) in the universe and the corresponding sample are to be provided in tabular form. The tabulation must also include expected response rates for the collection as a whole. If the collection has been conducted before, provide the actual response rate achieved.

2. Describe the procedures for the collection, including:

- The statistical methodology for stratification and sample selection.
- The estimation procedure.

- The degree of accuracy needed for the purpose described in the justification.
 - Any unusual problems requiring specialized sampling procedures.
 - Any use of periodic (less frequent than annual) data collection cycles to reduce burden.
3. Describe the methods used to maximize response rates and to deal with nonresponse. The accuracy and reliability of the information collected must be shown to be adequate for the intended uses. For collections based on sampling, a special justification must be provided if they will not yield "reliable" data that can be generalized to the universe studied.
 4. Describe any tests of procedures or methods to be undertaken. Tests are encouraged as effective means to refine collections, but if ten or more test respondents are involved OMB must give prior approval.
 5. Provide the name and telephone number of individuals consulted on the statistical aspects of the design, and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.

ATTACHMENT 1: INFORMATION THAT MUST BE DISPLAYED ON FORMS USED TO COLLECT INFORMATION FROM THE PUBLIC

Certain information has to be provided to the public for an OMB approval to be valid. Any approved information collection form must display the OMB control number assigned upon approval and the expiration date for current OMB approval. Potential respondents also have to be provided with notice of the following, although the information can be placed in a cover letter or instructions instead of on the survey form itself:

1. The policy reasons for collecting the information.
2. The way in which the information will be used to further performance of agency functions.
3. An estimate of the average burden using the following format: Public reporting burden for this collection of information is estimated to average _____ hours (or minutes) per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to (name and address of sponsoring office).
4. Whether responses to the collection are voluntary, required to obtain or retain a benefit [citing the authority], or mandatory [citing the authority].
5. The nature and extent of confidentiality to be provided, if any [citing the authority].
6. The following sentence - "Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number."

All forms submitted for approval must display this information. For new collections, when neither control number or expiration date is available at the time of submission, you must indicate where this information will be placed on the final form. This is usually done by placing "OMB Control # _____" and "Expires _____" in the upper right-hand corner of the form.

ATTACHMENT 2: THE PAPERWORK REDUCTION ACT CLASSIFICATION SECTION OF PREAMBLES OF RULES

The following addresses when and how the Paperwork Reduction Act needs to be addressed in the classification sections of preambles to proposed and final rules.

When Must the PRA be Addressed?

The classification section of the rulemaking must address the PRA if the rulemaking contains an information requirement, even if that requirement is not new and is just being restated. The PRA may also need to be addressed if an information requirement is being referred to in the text. This is an area where judgement calls are made as to how clear the reference is and whether it crosses the threshold for a PRA section.

How the PRA Must be Addressed in Proposed Rules Containing Proposed Information Requirements

If the rulemaking requires a PRA area in the classification section because it is proposing new information requirements, and those requirements have not been given PRA clearance by OMB, the following format should be followed:

This proposed rule contains a collection-of-information requirement subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This requirement has been submitted to OMB for approval. Public reporting burden for this collection of information is estimated to average *(enter minutes or hours per individual response for each requirement)* per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Public comment is sought regarding: whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to (enter office name) at the ADDRESSES above, and to OMB at the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC. 20503 (Attention: NOAA Desk Officer).

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

Remember that if the proposed rule contains multiple information requirements the subjects and verbs need to be changed to plurals (e.g. “this proposed rule contains information collection requirements...”). If the OMB address is given in the ADDRESSES section of the rule, the paragraph can just refer to that section the way it does for the office address. See the final rule example below for that wording.

How the PRA Must be Addressed in Proposed or Final Rules Containing Approved Information Requirements

For proposed or final rules containing information requirements that have received PRA clearance from OMB, the following language should be used:

This rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA) and which has been approved by OMB under control number (*enter number assigned to your approval; all start with 0648-*). Public reporting burden for this collection of information is estimated to average (*enter minutes or hours per individual response for each requirement*) per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed , and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS and OMB (see ADDRESSES)"

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

How the PRA Must be Addressed in Final Rules Containing Unapproved Information Collections

Occasionally a situation arises where an office wants to publish a final rule that either contains an information requirement that OMB has not approved or a requirement that has been altered from what OMB approved. It is possible to do this if the effective date of the information requirement is reserved until OMB approval is received. Specific language is not offered here because of complexities often surrounding each particular case. If you think that you need to take this approach, consult with the NOAA Clearance Officer (whose name and number is provided on the main NOAA PRA Home Page screen).

ATTACHMENT 3: OMB GUIDELINES FOR INFORMATION COLLECTIONS

OMB has issued the following guidelines for proposed information collections or requirements. If the proposed collection or requirement does not comply with the guidelines, the clearance request must contain an explanation of why the deviation is necessary. An information collection or requirement should:

1. Not require respondents to report information more often than quarterly.
2. Not require respondents to prepare a written response in fewer than thirty days after they receive the request.
3. Not require respondents to submit more than an original and two copies of any document.
4. Not require respondents to retain records for more than three years unless those records are health, medical, government contract, grant-in-aid, or tax records.
5. Not be a statistical study which is not designed to produce valid and reliable results than can be generalized to the universe of study. In other words, if you collect information from part of a group for statistical reasons, the results must be applicable to all of the group.
6. Not require the use of a statistical data classification that has not been reviewed and approved by OMB.
7. Not include a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use.
8. Not require respondents to submit proprietary, trade secret, or other confidential information unless the agency can demonstrate that it has instituted (and not just planned) procedures to protect its confidentiality to the extent permitted by law.